

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and filing and the agency decides to prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 30. STATE BOARD OF TECHNICAL REGISTRATION

PREAMBLE

1. Register citation and date for the original Notice of Proposed Rulemaking:

7. A.A.R. 1226, March 16, 2001

2. Sections Affected

R4-30-301

Rulemaking Action

Amend

3. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 32-106(F)

Implementing statute: A.R.S. § 32-122.01

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Nan Mitchell

Address: Board of Technical Registration
1990 W. Camelback Road, Suite 406
Phoenix, AZ 85015

Telephone: (602) 255-4053, ext. 240

Fax: (602) 255-4051

5. An explanation of the rule, including the agency's reasons for initiating the rule:

On August 19, 1994, the Board adopted "Minimum Standards For Arizona Land Boundary Surveys" as an additional regulatory authority for the conduct of land surveys in Arizona. These "Minimum Standards" were not set out in their entirety, but were incorporated by reference at R4-30-301(17). This rule is included in the Rules of Professional Conduct to be adhered to by all registrants regulated by the agency. The rule was inadvertently repealed in the Notice of Proposed Rulemaking discussed in item #1. The Board is putting the rule back in place with new incorporated material from the Arizona Professional Lands Surveyors Association.

6. A reference to any study that the agency relied on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

7. An explanation of the substantial change which resulted in this supplemental notice:

The agency is in the process of implementing rules that pertain to remediation specialists, further clarifying the provisions of A.R.S. § 32-131. During a preliminary review of that rule package, Council staff also reviewed existing rules. It was determined that the "Minimum Standards For Arizona Land Boundary Surveys", authored by a committee of the Board of Technical Registration, were rules of the Board and could not be incorporated by reference. Council staff indicated that the incorporated matter must be set out in the Board's rules or that other standards could be incorporated by reference.

The Board subsequently adopted, at its June 15, 2001 meeting, the "Arizona Boundary Survey Minimum Standards" as adopted by the Arizona Professional Lands Surveyors Association (APLS). These standards are intended to replace the "Minimum Standards for Arizona Land Boundary Surveys."

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8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The preliminary summary of the economic, small business, and consumer impact:

This supplemental rule modifies an existing rule and replaces the document incorporated by reference. The consumer impact is negligible in that registrants will be able to access the new standards on the Board's web site and download the document at no cost. The citizens of the state will continue to be protected at a minimal cost to both registrants and the agency.

10. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Nan Mitchell
Address: Board of Technical Registration
1990 W. Camelback Road, Suite 406
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11. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

None scheduled

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

This rule contains a new incorporation by reference at R4-30-301(16).

ARTICLE 3. REGULATORY PROVISIONS

R4-30-301. Rules of Professional Conduct

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
12. No change
13. No change
14. No change
15. no change
16. To the extent applicable to the professional engagement, a registrant shall conduct a land survey engagement in accordance with the "~~Minimum Standards for Arizona Land Boundary Surveys~~" as adopted by the Board August 19, 1994, "~~Arizona Boundary Survey Minimum Standards~~" as adopted by Arizona Professional Lands Surveyors Association (APLS) on April 12, 2001, the provisions of which are incorporated herein by reference and on file with the Office of the Secretary of State.